

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MOISES PEREZ,
Plaintiff,

v.

Cause No. 3:19-cv-00360-DCG

BODEGA LATINA CORPORATION
d/b/a EL SUPER,
Defendant.

PLAINTIFF’S REQUEST FOR ENTRY OF DEFAULT

TO THE DISTRICT CLERK:

Comes now Plaintiff MOISES PEREZ (“Plaintiff”) and files this Request for Entry of Default against Defendant BODEGA LATINA CORPORATION d/b/a EL SUPER (“Defendant”), in accordance with the Court’s “Order” (Ecf 6), respectfully showing the following:

1. On October 17, 2019, Plaintiff filed “Plaintiff’s First Amended Petition with Jury Demand and Request for Disclosure”, asserting causes of action against Defendant for age discrimination under the Texas Commission on Human Rights Act, and discrimination and retaliation under the FMLA, in the 205th District Court of El Paso County, Texas. (Ecf 1-1, pp. 4-8).
2. Defendant is a For-Profit Corporation organized in the State of Delaware.
3. Defendant acknowledges that on November 18, 2019, Defendant was served with the summons and a copy of Plaintiff’s state-court petition. (Ecf 1, p. 1, ¶2).
4. On December 6, 2019, Defendant removed this case to the Western District of Texas (Ecf 1).
5. Defendant has not filed any responsive pleading.

6. Defendant's deadline to file a responsive pleading passed on December 13, 2019. Fed. R. Civ. P. 81 ("After removal, repleading is unnecessary unless the court orders it. A defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these periods: ... 7 days after the notice of removal is filed.").
7. Plaintiff requests the Clerk enter a default against Defendant. Fed. R. Civ. P. 55(a); (Ecf 6) (Order from the Court instructing Plaintiff to request an entry of default.); W.D. Tex. Local R. CV-55.
8. A supporting affidavit is unnecessary as the record "otherwise" shows Defendant has not filed any responsive pleading, timely or otherwise. Fed. R. Civ. P. 55(a).

WHEREFORE, for the reasons set forth above, Plaintiff respectfully requests an entry of default against Defendant.

SIGNED on this 13th day of January 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on January 13, 2020, I electronically filed the foregoing document with the clerk of the court for the United States District Court, Western District of Texas, using the court's electronic case filing system. A copy of the foregoing document was sent via email, facsimile, and/or through the "Notice of Electronic Filing" sent by the electronic case filing system, to the following attorneys of record:

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